

Before the
UNITED STATES COPYRIGHT ROYALTY JUDGES
Washington, D.C.

In the Matter of:)	
)	Docket No. 2012-1 CRB
)	Business Establishments II
Determination of Rates and Terms for)		
Business Establishment Services)	
)	

**Petition to Participate: Determination of Rates and Terms for
Business Establishment Services**

On behalf of Pandora Media, Inc, and in accordance with the Notice Filed in the Federal Register, Volume 77, No. 1 on Tuesday, January 3, 2012, we hereby provide notice of the Petition of Pandora Media, Inc to participate in the above referenced matter.

Pandora is a well-known and significant provider of Internet radio services in the United States and intends to participate fully in this matter.

Respectfully submitted,

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Dated: January 11, 2012

Counsel for Pandora Media, Inc.

UNITED STATES COPYRIGHT ROYALTY JUDGES

In the Matter of)	
)	
Determination of Rates and Terms for)	Docket No. 2012-1 CRB
Business Establishment Services)	Business Establishments II
)	

**ORDER ANNOUNCING NEGOTIATION PERIOD
AND REJECTION OF PETITION TO PARTICIPATE**

On January 3, 2012, the Copyright Royalty Judges published a notice in the **Federal Register** announcing the commencement of a proceeding to determine the reasonable rates and terms for the making of an ephemeral recording of a sound recording for a later transmission by entities that transmit performances of a sound recording to business establishments under 17 U.S.C. § 112(e)(1) for the license period 2014-2018. 77 FR 133. That notice also required interested parties to submit their petitions to participate in the proceeding. The Judges received petitions to participate from Music Choice; DMX, Inc.; Muzak LLC; Music Reports, Inc.; Clear Channel Broadcasting, Inc.; and SoundExchange, Inc. The Judges accept each of these petitions.

Pandora Media, Inc. ("Pandora") also submitted a petition to participate. However, its petition fails to provide a description of Pandora's significant interest in the subject matter of this proceeding as required by 37 C.F.R. § 351.1(b)(1)(B). Therefore, the Judges reject Pandora's petition to participate.

Negotiation Period

Pursuant to 17 U.S.C. § 803(b)(3), the Judges are announcing the voluntary negotiation period. All parties whose petitions to participate have been accepted are permitted and encouraged to participate in negotiations during the prescribed three-month period in an effort to produce settled rates and terms for the Judges to consider. At the conclusion of the negotiation period, the parties are required to submit written notification to the Judges of the status of their negotiations. Parties may submit their written notification jointly or separately.

If no agreements are reached, the Judges will schedule further proceedings, including the deadline for filing written direct statements, in a separate order.

Whereas, **IT IS ORDERED**, that the following is the schedule for the voluntary negotiation period:

Voluntary negotiation period begins: April 2, 2012

Voluntary negotiation period ends: June 29, 2012

Written notification of status of negotiations: July 2, 2012

SO ORDERED.

James Scott Sledge
Chief U.S. Copyright Royalty Judge

Dated: March 7, 2012

 Keys, LaKeshia

From: Giuffreda, Gina
Sent: Monday, March 26, 2012 10:29 AM
To: Sledge, James; Wisniewski, Stan; Roberts, William; Strasser, Richard; Keys, LaKeshia
Subject: FW: Draft of Business Establishment Order
Attachments: Order re negotiation period.wpd; Pandora Media.pdf

The draft order calls for the voluntary negotiation period to begin next Monday. Please advise as to how the issue below should be addressed and/or if the date for the beginning of the negotiation period should be changed.

Thank you.

From: Giuffreda, Gina
Sent: Wednesday, March 07, 2012 1:41 PM
To: Sledge, James; Wisniewski, Stan; Roberts, William; Strasser, Richard; Keys, LaKeshia
Subject: Draft of Business Establishment Order

Attached please find the draft announcing the voluntary negotiation period.

As you will see, in the draft Pandora's PTP was not accepted as it did not describe Pandora's significant interest in the proceeding. In the petition that was distributed, it states "Pandora is WHAT DID WE SAY BEFORE AND LET'S SAY WE INTEND TO FULLY PARTICIPATE." (I thought the attached was the PDF version of what was distributed. I did not see a PDF version of the distributed version on the shared drive.)

However, the Petition that is attached differs from the one that was distributed, as the attached says that "Pandora is a well-known and significant provider of Internet radio services..." but is unsigned.

Therefore, depending on which version is deemed by the Judges to be the filed Petition, the draft may need to be revised.